

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ELIZABETH MCCRAY and)
B.S.G., a Minor,)
)
Plaintiffs,)
)
vs.)
)
FRANCIS HOWELL SCHOOL)
DISTRICT, et al.,)
)
Defendants.)

Case No. 4:08CV1178 CDP

MEMORANDUM AND ORDER


This matter is before me on plaintiff's motion for appointment of counsel and jury trial demand. There is no constitutional or statutory right to appointed counsel in a civil case. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors including (1) whether the plaintiff has presented non-frivolous allegations supporting his prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. *See Battle v. Armontrout*, 902 F.2d 701, 702 (8th Cir. 1990); *Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

Plaintiff has not provided any allegations supporting her prayer for relief, and while she may benefit from the appointment of counsel, I do not believe that the facts and legal issues involved are so complicated that the appointment of counsel is warranted at this time. Accordingly, after considering the relevant factors I will deny plaintiff's motion for appointment of counsel. Plaintiff's demand for a jury trial will be granted.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel [#12] is denied.

IT IS FURTHER ORDERED that this case will be set on a jury docket.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of December, 2008.